

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSHUA GEORGE MCMILLIN,

Plaintiff,

v.

WALMART INC.,

Defendant.

Case No.: 2:24-cv-01533-HL

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Andrew Hallman issued a Findings and Recommendation in this case, ECF [9], on November 5, 2024. Judge Hallman recommended that this Court dismiss this action, for lack of subject matter jurisdiction, without prejudice and without leave to amend. Neither party filed objections.

A district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for the portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district court judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that, when no objection is filed, the recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, the Court reviews Judge Hallman's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Hallman's Findings and Recommendation, ECF [9]. Accordingly, this action is DISMISSED without prejudice and without leave to amend.

IT IS SO ORDERED.

DATED this 11th day of December, 2024.



Adrienne Nelson
United States District Judge